

35.C11250 C1

PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: )  
Manabu KATO ) Examiner: D. Schuberg  
Appln. No.: 08/951,635 ) Group Art Unit: 2872  
Filed: October 17, 1997 )  
For: SCANNING OPTICAL ) August 26, 1999  
APPARATUS )

The Assistant Commissioner for Patents  
Washington, D.C. 20231

PETITION UNDER 37 C.F.R. § 1.313(b)(5) TO WITHDRAW  
APPLICATION FROM ISSUE IN FAVOR OF CONTINUATION APPLICATION

Sir:

Pursuant to 37 C.F.R. § 1.313(b)(5), Applicant respectfully petitions the Assistant Commissioner to withdraw the above-referenced application from issue in order to abandon the application in favor of a concurrently-filed Continued Prosecution Application (CPA) under 37 C.F.R.

§ 1.53(d), so as to obtain consideration of a concurrently-filed Information Disclosure Statement.

Enclosed herewith are a Continued Prosecution Application Request Transmittal and an Information Disclosure Statement.

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EXPEDITED HANDLING REQUESTED

While no issue date has been set, expedited handling of this Petition is nonetheless respectfully requested, as the issue fee was paid on May 12, 1999 in the subject application.

FACTS

1. The issue fee was paid on May 12, 1999.
2. Applicant is filing this Petition to obtain consideration, in the CPA application, of art cited in the Information Disclosure Statement filed concurrently herewith.

ACTION REQUESTED

It is requested that the present application be withdrawn from issue, that the present application be abandoned in favor of the concurrently-filed CPA application, and that the information cited in the Information Disclosure Statement being filed concurrently herewith be considered in the examination of the CPA application.

AUTHORIZATION TO CHARGE PETITION FEE

The Assistant Commissioner is authorized to charge the \$130.00 Petition Fee as set forth in 37 C.F.R. § 1.17(h) to Deposit Account No. 06-1205. The Assistant Commissioner is also authorized to charge any deficiency in or credit any

overpayment of this fee to Deposit Account No. 06-1205. A duplicate of this paper is attached.

Applicant's undersigned attorney may be reached in our Washington office by telephone at (202) 530-1010. All correspondence should continue to be directed to our address listed below.

Respectfully submitted,

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Attorney for Applicant

Registration No. \_\_\_\_\_

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